

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2422.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 100 Cases Crushed Oranges. Decree of condemnation by consent
on charge of misbranding. Goods released on bond.**

MISBRANDING AND ALLEGED ADULTERATION OF CRUSHED ORANGES.

On May 23, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel for the seizure and condemnation of 100 cases, each containing 48 cans of crushed oranges remaining unsold in the original unbroken packages and in possession of the following named parties: 45 cases in possession of the Washington Storage Co., 5 cases in possession of Henry P. Kern, 20 cases in possession of G. G. Cornwell & Son, 15 cases in possession of the Connecticut Pie Co., 5 cases in possession of S. A. Reeves, and 10 cases in possession of Lewis Holmes, trading as Holmes & Son, all of Washington, D. C. The libel alleged that the product had been shipped on or about April 13, 1912, by Muns Bros., New York, N. Y., and transported from the State of New York into the District of Columbia, and charged adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Crushed Oranges—Two-Gene's Brand—The Orange Canning Co., Los Angeles and Pomona, California. Crushed oranges are crushed from select California tree-ripened oranges. By our process of canning the oil cuticles of the peel are unaltered and together with the pulp and juice of the best oranges, is the most palatable fruit on the market. We add no preservatives nor sugars of any kind, but sugar or water may be added desirable to the taste. These oranges are most conveniently eaten, and are better than oranges in their form costing only one-half as much. * * * Guaranteed under the Food and Drugs Act of June 30, 1906."

Adulteration of the product was alleged in the libel for the reason that a valuable constituent thereof, to wit, orange juice, had been wholly or in part abstracted. Misbranding was alleged for the reason that the product was an imitation of and offered for sale under the distinctive name of another article, to wit, canned crushed oranges, when, in truth and in fact, it was not so, but consisted of orange pomace from which the orange juice had been removed. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, in that the labels thereon bore certain statements as aforesaid regarding the ingredients and substances contained therein, which statements were false and misleading, in that they signified and imported that the product was canned crushed oranges, whereas in truth and in fact it was orange pomace from which the orange juice had been removed.

On January 21, 1913, E. L. Klein, trading as the Orange Canning Co., claimant, having entered his appearance, consented to a decree, and paid the costs of the proceedings, a decree of condemnation and forfeiture was entered, the court finding the product misbranded only. . It was further ordered by the court that the product should be released and delivered to said claimant upon the execution of bond in the sum of \$300 in conformity with section 10 of the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 7, 1913.*